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Paper No. 9

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MAR 25 2002

**OFFICE OF PETITIONS**

In re Application of :  
Schiff et al. :  
Application No. 09/728,583 :  
Filed: December 1, 2000 :  
Attorney Docket No. TRAVL.01 :  
Title: SYSTEMS AND METHODS OF :  
COMPARING PRODUCT :  
INFORMATION :  
: DECISION ON RENEWED  
: PETITION UNDER  
: UNDER 37 C.F.R. §1.47(a)

This is in response to the renewed petition under 37 CFR §1.47(a)<sup>1</sup>, filed December 18, 2001.

The renewed petition under 37 C.F.R. §1.47(a) is DISMISSED.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Second Renewed Petition under 37 CFR 1.47(a)."

The above-identified application was filed on December 1, 2000. On May 10, 2001, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application -

<sup>1</sup> A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review;
- (5) proof that the non-signing inventor refuses to sign the oath or declaration after having been presented with the application papers if the inventor refuses to sign, or proof that diligent efforts have been made to locate the non-signing inventor if he or she cannot be found, and;
- (6) a declaration which complies with 37 CFR §1.63.

"Filing Date Granted", requiring an executed oath or declaration in compliance with 37 CFR §1.63, and a surcharge for its late filing. This Notice set a two-month period for reply.

The original petition, filed on August 27, 2001, was dismissed in a decision mailed on October 4, 2001, for failure to establish requirements (4) and (5) above. At the time, Petitions Attorney failed to notice that signing inventors Bastnagel and Berk have made non-initialed and non-dated alterations have been made to the oath or declaration<sup>2</sup>. Therefore, the petition should have been dismissed for failing to meet requirement (6) above as well.

With the present petition, the petitioner has rectified the shortcomings pertaining to requirements (4) and (5) above.

With the second renewed petition, Petitioner should either provide a new oath or declaration, signed by inventors Bastnagel and Berk, with these changes incorporated, or have them initial and date the handwritten changes.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

By FAX: (703) 308-6916  
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23  
2201 S. Clark Place  
Arlington, VA

Telephone inquiries regarding this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.

*E. Shurne Willis for*  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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<sup>2</sup> See 37 CFR 1.52(c).